

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JUNE 14, 2005
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Table of Contents

CHRONOLOGY OF THE MEETING.....	2
ATTENDANCE DURING THE MEETING	2
ITEM-300: ROLL CALL.....	3
NON-AGENDA COMMENT	3
COUNCIL COMMENT	7
CITY MANAGER COMMENT.....	7
CITY ATTORNEY COMMENT	7
ITEM-330: Affordable Housing Fund FY 2006 Annual Plan	7
ITEM-331: Bird Rock Maintenance Assessment District Formation.....	8
ITEM-332: Cingular St. David's.....	10
ITEM-333: Two actions related to Renewal Process for the Downtown Property and Business Improvement District (PBID)	12
ITEM-334: Street Vacation - Portion of Black Mountain Road	15
ITEM-S500: In the Matter of the Audit Committee's Status Report.....	16
ITEM-S501: Reloan of City Funds to the Redevelopment Agency.....	17
NON-DOCKET ITEMS	18
ADJOURNMENT.....	18

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 10:08 a.m. The meeting was recessed by Mayor Murphy 10:55 a.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 11:05 a.m. with Deputy Mayor Zucchet and Council Member Inzunza not present. Mayor Murphy recessed the meeting at 11:08 a.m. to convene the Budget Review Committee. Mayor Murphy reconvened the meeting at 11:33 a.m. with Deputy Mayor Zucchet and Council Member Inzunza not present. Mayor Murphy recessed the meeting at 11:46 a.m. to reconvene the Budget Review Committee and then recessed the meeting at 11:59 a.m. for the noon break.

The meeting was reconvened by Mayor Murphy at 2:11 p.m. with Deputy Mayor Zucchet and Council Member Inzunza not present. Mayor Murphy recessed the meeting at 3:26 p.m. to reconvene the Budget Review Committee. Mayor Murphy reconvened the regular meeting at 4:50 p.m. with Deputy Mayor Zucchet and Council Members Maienschein and Inzunza not present. Mayor Murphy recessed the meeting at 4:52 p.m. to convene the Redevelopment Agency and then later reconvened the Budget Review Committee. Mayor Murphy reconvened the regular meeting at 7:22 p.m. with Deputy Mayor Zucchet and Council Member Inzunza not present. Mayor Murphy adjourned the meeting at 7:26 p.m. into the Redevelopment Agency and then later the Budget Review Committee.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-not present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present

(7) Council Member Madaffer-present

(8) Council Member Inzunza-not present

Clerk-Lane (er/ek)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Lane called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-not present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-not present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Jarvis Ross commented on logic and the City's finances.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:09 a.m. – 10:12 a.m.)

PUBLIC COMMENT-2:

Linda Smith offered some suggestions to the Council regarding the community service centers.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:12 a.m. – 10:14 a.m.)

PUBLIC COMMENT-3:

Don Stillwell commented on prayer at the City Council meetings.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:15 a.m. – 10:17 a.m.)

PUBLIC COMMENT-4:

Sandy Summers commented on domestic terrorism.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:17 a.m. – 10:20 a.m.)

PUBLIC COMMENT-5:

Cecily McEuen presented some written essays by participants of the “Friends” essay contest sponsored by the Friends of Libraries.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:23 a.m.)

PUBLIC COMMENT-6:

Barbara MacKenzie commented on medical marijuana.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:26 a.m.)

PUBLIC COMMENT-7:

Richard Agee commented on the unscreened cargo carried on passenger flights flying over San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:30 a.m.)

PUBLIC COMMENT-8:

Ron Boshun commented on the Council's actions.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:30 a.m. – 10:33 a.m.)

PUBLIC COMMENT-9:

Phil Hart commented on the City's finances.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:33 a.m. – 10:37 a.m.)

PUBLIC COMMENT-10:

Jerry Lashgarf commented on the sale of the Stonewood Apartments in Point Loma.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:37 a.m. – 10:41 a.m.)

PUBLIC COMMENT-11:

Muhammed Abdullah commented on the September 11th attacks.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:42 a.m. – 10:44 a.m.)

PUBLIC COMMENT-12:

Ann McDonald commented on the library funding.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:44 a.m. – 10:47 a.m.)

PUBLIC COMMENT-13:

Ben Doyle commented on homelessness in San Deigo.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:47 a.m. – 10:48 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Atkins invited the public to the San Diego Old House Fair to be held on Friday, June 17th in South Park at 30th and Beech Street beginning at 10:00 a.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:05 a.m. – 11:08 a.m.)

CITY MANAGER COMMENT:

None.

CITY ATTORNEY COMMENT:

None.



[ITEM-330:](#) Affordable Housing Fund FY 2006 Annual Plan.

(See Housing Commission Report HCR05-48.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1237) ADOPTED AS RESOLUTION R-300530

Approving the San Diego Affordable Housing Fund FY 2006 Annual Plan.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:33 a.m. – 11:46 a.m.)

MOTION BY ATKINS TO ADOPT. Second by Frye. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.



ITEM-331: Bird Rock Maintenance Assessment District Formation.

(La Jolla Community Area. District 1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1258) ADOPTED AS RESOLUTION R-300531

Resolution of Intention to form the Bird Rock Maintenance Assessment District and to levy and collect Fiscal Year 2006 Annual Assessments on Bird Rock Maintenance Assessment District.

CITY MANAGER SUPPORTING INFORMATION:

This action authorizes the ballot protest proceedings to form the Bird Rock Maintenance Assessment District (District). The District is located in the La Jolla Community Planning Area roughly along the La Jolla Boulevard corridor south of Camino de la Costa and north of Wrelton Street. Between September 2004 and January 2005, residents of Bird Rock became the first to meet the criteria established in Council Policy 100-21, Funding for Maintenance Assessment District (MAD) Formation. As a result, up to \$50,000 from the MAD Formation Fund has been made available to the community to assist with District formation costs. If the vote passes, the new District will repay the MAD Formation Fund. The purpose of the District is to fund the enhanced maintenance of landscaping, hardscaped surfaces, and improvements located in dedicated public rights-of-way, including medians, sidewalks, bulb outs, curbs, and gutters. Maintenance may include litter control, fertilizing, irrigation, weed control, pest control, pruning, edging, and tree maintenance for plant health and appearance, hardscape and streetscape cleaning; incidental traffic control, security and the maintenance of irrigation, electrical and similar system components. The assessment may also be used to promote community events and to install or maintain seasonal decorations and miscellaneous capital improvements including but not limited to signs, community identification and directional monumentation and artwork, street furniture, kiosks, lighting, and similar improvements that are permitted to be installed and maintained by the District. Property owners will also vote whether the Bird Rock Development

Corporation, a non-profit, Section 501(c)(3) organization, should administer the contracts for goods and services for the District.

<u>EXPENSES</u>	<u>FY 2006</u>	<u>Maximum Authorized</u>
Contract	\$0	\$75,000
Incidentals	\$115,000	\$57,500
Outlay	\$25,007	\$27,007
Energy and Utilities	<u>\$0</u>	<u>\$5,500</u>
TOTAL EXPENSES	\$140,007	\$165,007
 <u>REVENUES</u>		
Assessments	\$165,007	\$177,885
City Contributions-Gas Tax	\$0	\$20,000
Interest	<u>\$0</u>	<u>\$5,000</u>
TOTAL REVENUES	\$165,007	\$202,885
 RESERVES	 \$25,000	 \$37,878

The proposed annual assessments were calculated by an assessment engineer for parcels within Bird Rock MAD and are based on each parcel's equivalent benefit unit (EBU), which is equivalent to one single family dwelling unit. The proposed rate would be \$90 per EBU.

FISCAL IMPACT:

Approximately \$165,007 will be assessed to the property owners within the Bird Rock Maintenance Assessment District in FY 2006. The proposed Fiscal Year 2006 assessments and maximum authorized assessments are permitted to increase annually at a rate equivalent to the San Diego Consumer Price Index-Urban (SDCPI-U) plus 3%. The total General Fund assessment for two City-owned parcels is \$36.90 in Fiscal Year 2006. Future contributions from the Gas Tax Fund will be requested in the Fiscal Year 2007 budget process as medians are brought on-line.

Herring/Medina/AWF

Staff: Andrew Field – (619) 533-6778

FILE LOCATION: STRT-M-504 (34)

COUNCIL ACTION: (Time duration: 10:48 a.m. – 10:50 a.m.)

MOTION BY PETERS TO ADOPT. Second by Atkins. Passed by the following vote:
Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea,
Madaffer-not present, Inzunza-not present, Mayor Murphy-yea.



ITEM-332: Cingular St. David's.

Matter of the appeal by Linda Rotert-Garduno, Christopher P. Gramlich, and Ike
Fifield of the decision by the Planning Commission to certify Negative
Declaration No. 19148.

(See City Manager Report CMR-05-124. Clairemont Mesa Community Plan
Area. District 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution to deny the appeal and uphold the Certification of
Negative Declaration No. 19148:

(R-2004-) CONTINUED TO TUESDAY, AUGUST 2, 2005

Adoption of a Resolution granting or denying the appeal, and upholding or
overturning the decision of the Planning Commission in certifying Negative
Declaration No. 19148, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on November 18, 2004, voted 4-3 to deny the appeal and approve
the project, and will include the condition regarding landscaping read into the record by
staff.; was opposition.

Ayes: Schultz, Ontai, Otsuji, Garcia

Nays: Lettieri, Steele, Chase

The Clairemont Mesa Community Planning Group has recommended approval of this project.

CITY MANAGER SUPPORTING INFORMATION:

The proposed project for which Negative Declaration No. 19148 has been prepared and previously certified by the Planning Commission on November 18, 2004, is a wireless communication facility consisting of a new 30-foot high monument structure housing three panel antennas and a new 162-square-foot equipment enclosure to be located at St. David's Episcopal Church at 5050 Milton Street.

The 1.46 acre project site is zoned RS-1-7 (single-unit residential) and is designated "School Site" and "Low Density Residential" within the Clairemont Mesa Community Plan. The project site is surrounded by residential development. The existing church complex was approved through a Conditional Use Permit (CUP) in 1995.

The wireless communication project was approved by staff on July 9, 2004, and was appealed by a group of neighbors concerned with issues including: aesthetics, noise, inappropriate use, design, health, inconsistencies with previous decisions on the church CUP, and possible impact on property values. After receiving the staff report and testimony from the appellants and interested parties on November 11 and November 18, 2004, the Planning Commission voted 4-3 to uphold staff's decision to approve the project and certify the Negative Declaration. On December 1, 2004, three of the original appellants appealed the Planning Commission's certification of the Negative Declaration.

An Environmental Initial Study was conducted and it was determined that the T-Mobile (Cingular) St. David's project would not have a significant environmental effect and a Negative Declaration was prepared. The document discussed health and safety, land use, visual quality and noise issues as potential issues. All of these issues were analyzed and a full disclosure was provided as part of the Negative Declaration. No public comment was received during the public review period.

FISCAL IMPACT:

All costs associated with processing this appeal are paid from a deposit account maintained by the applicant.

Oppenheim/Halbert/KLA

LEGAL DESCRIPTION:

The project site is located at 5050 Milton Street, in the RS-1-7 zone, Clairemont Mesa Height Limit Overlay Zone, and Clairemont Mesa Community Plan Area.

Staff: Karen Lynch-Ashcraft - (619) 446-5351.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:14 a.m. – 10:15 a.m.)

MOTION BY FRYE TO CONTINUE TO TUESDAY, AUGUST 2, 2005 FOR FURTHER REVIEW. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.



ITEM-333: Two actions related to Renewal Process for the Downtown Property and Business Improvement District (PBID).

(Centre City Community Area. District 2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2005-973) ADOPTED AS RESOLUTION R-300533

Considering the protests, approving Engineer's Report, confirming the assessments, and ordering the proposed activities, improvements, maintenance, and services in the matter of the Downtown Property and Business Improvement District.

Subitem-B: (R-2005-974) ADOPTED AS RESOLUTION R-300534

Approving Fiscal Year 2006 Budget for the Downtown Property and Business Improvement District.

CITY MANAGER SUPPORTING INFORMATION:

The current Downtown Property & Business Improvement District (PBID) was initiated on July 1, 2000 for a period of 5 years. The PBID has effectively provided an enhanced level of maintenance and public information services in the downtown area. As the PBID will expire on June 30, 2005, property owners have requested that the PBID be renewed for another 10 years in accordance with applicable State law. The proposed PBID renewal authorizes a change in the assessment apportionment methodology and an increase in the Fiscal Year 2005-2006 assessments to provide additional enhanced services within the downtown area. The renewed PBID boundaries would continue to include most of downtown San Diego south and west of Interstate 5. The purpose of the PBID is to fund sidewalk and landscape maintenance, public safety programs, enhanced street lighting, public information services and administration. If approved by a property owner ballot protest process in accordance with State law and by the City Council at the conclusion of this scheduled public hearing, the renewed PBID will be effective for 10 years beginning July 1, 2005.

**Downtown Property and Business Improvement District
Estimated Expenditure, Revenue, and Reserves**

	<u>FY 2006</u>	<u>Maximum Authorized</u>
REVENUES		
Assessments	\$5,803,550	\$5,803,550
City Contribution – Gas Tax	<u>\$15,000</u>	<u>\$15,000</u>
TOTAL REVENUES	\$5,818,550	\$5,818,550
 EXPENDITURES		
Personnel	\$2,513,106	\$2,513,106
Contractual	\$388,000	\$388,000
Incidental	\$2,228,030	\$2,228,030
Utilities	\$535,000	\$535,000
Contingency Reserve	<u>\$139,414</u>	<u>\$139,414</u>
TOTAL EXPENDITURES	\$5,803,550	\$5,803,550
 BALANCE	\$15,000	\$15,000

FISCAL IMPACT:

The proposed budget (above) for a renewed Downtown Property & Business Improvement District in FY 06 is \$5,803,550. This budget will fund an increased level of enhanced services within the PBID boundaries. If the PBID renewal is approved by benefiting property owners, assessments will be levied and collected to fund the annual budget. The annual assessment for City owned property will increase \$121,795 from \$143,223 in FY 05 to \$265,018 beginning in FY 06. The City Council has the discretion to approve renewal of the PBID at the conclusion of this public hearing to count ballots and consider protests.

Frazier/Cunningham/Kawar/LO

Staff: Jeff Kawar – (619) 533-4221

FILE LOCATION: STRT-L-21 (32)

COUNCIL ACTION: (Time duration: 10:50 a.m. – 10:54 a.m.;
4:50 p.m. – 4:51 p.m.)

Assistant City Clerk Joyce Lane announced that the election has been conducted according to Assessment Proceedings. Ms. Lane announced that the ballots in favor exceed the ballots in opposition with a weighted majority vote of 71% in favor, and that the proposed renewal of the Property and Business Improvement District and annual assessment have passed. Ms. Lane then certified the results of the election and submitted them to the City Council.

MOTION BY MADAFFER TO ADOPT THE RESOLUTION TO OVERRULE ANY PROTESTS TO THE RENEWAL AND LEVY OF ASSESSMENTS FOR THE DOWNTOWN PROPERTY AND BUSINESS IMPROVEMENT DISTRICT, APPROVE THE SUBMITTED ASSESSMENT ENGINEER'S REPORT, THE MANAGEMENT PLAN AND DISTRICT MAP, AND AUTHORIZE THE LEVY OF ASSESSMENTS . Second by Peters. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.



ITEM-334: Street Vacation - Portion of Black Mountain Road.

(Pacific Highlands Ranch Community Plan Area. District 1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1059) ADOPTED AS RESOLUTION R-300532

Vacating a portion of Black Mountain Road, as more particularly described in the legal description marked as Exhibit "A", and shown on Drawing No. 19466-1-B, marked as Exhibit "B", and on file in the office of the City Clerk;

That the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested by him under seal, to be recorded in the office of the County Recorder.

CITY MANAGER SUPPORTING INFORMATION:

City Council is requested to vacate a portion of Black Mountain Road located in the Pacific Highlands Ranch Community area within Council District 1. The vacation is necessary to clean up a remnant portion of right-of-way that is no longer needed. This portion of Black Mountain Road has been superseded by the construction of Del Mar Heights Road in an alignment established by the Pacific Highlands Ranch Unit 1 Vesting Tentative Map and the approved CUP for the Cathedral High School project. The street has been realigned and there is no need for this excess portion of the right-of-way. The Carmel Valley Community Planning Board recommended approval of the street vacation unanimously on October 16, 2000 and on December 22, 2004, re-affirmed the recommendation of approval. The street area to be vacated was acquired at no cost to the City. City staff recommends approval of the street vacation.

FINDINGS: Staff review has indicated that the right-of-way to be vacated may be summarily vacated and that the four required findings for vacation can be made. These findings are:

- a. That there is no prospective use for the right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated. The street has been realigned and there will be no need for this portion of the right-of-way.
- b. That the public will benefit from the action through improved utilization of land made possible by the street vacation. The public is not benefited by tying up unused land. The unused land right of way has a better purpose when appropriately utilized.

- c. That the vacation is not inconsistent with the General Plan, and approved Community Plan or the Local Coastal Program. The portion of the street being vacated is not part of the community plan transportation element. The Carmel Valley Community Planning Board recommends approval of the street vacation.
- d. That the facility for which the right-of-way as originally acquired will not be detrimentally affected by the street vacation. There are no present or future plans to construct a street in this area.

FISCAL IMPACT:

All costs are paid by the applicant.

DEVELOPMENT SERVICES DEPT. RECOMMENDATION:

Approval of this request.

NOTE: This actions is exempt from California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061 (b) (3).

Staff: Allan Wake – (619) 446-5309

FILE LOCATION: STRT-J-2971 (39)

COUNCIL ACTION: (Time duration: 10:54 a.m. – 10:55 a.m.)

MOTION BY PETERS TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.



ITEM-S500: In the Matter of the Audit Committee's Status Report.

TODAY'S ACTION IS:

PRESENTED

Accept the Status Report.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:11 p.m. – 3:25 p.m.)



ITEM-S501: Reloan of City Funds to the Redevelopment Agency.

(See Redevelopment Agency Report RA-05-24/CMR-05-142.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1304) ADOPTED AS RESOLUTION R-300535

Accepting a CDBG loan repayment from the Redevelopment Agency in the amount of \$600,000 from the Southcrest Redevelopment Project Area to the City CDBG Fund;

Declaring the City authorizes the transfer of \$600,000 from the City CDBG funds to the Redevelopment Agency for the Central Imperial Redevelopment Project Area as an interest bearing CDBG loan, to provide funds for appropriate project expenses in the Fiscal Year 2006 Redevelopment Agency Budget;

Directing the City Auditor and Comptroller to record the \$600,000 as an interest bearing CDBG loan to the Redevelopment Agency to be repaid as soon as practicable from tax increment or other appropriate revenues, from the respective project area;

Declaring the City authorizes the transfer of \$100,000 from City Council District 7 CDBG funds to the Redevelopment Agency for the Grantville Redevelopment Project Area as an interest bearing CDBG loan, to provide funds for appropriate plan implementation costs in the Fiscal Year 2006 Redevelopment Agency Budget; and

Directing the City Auditor and Comptroller to record the \$100,000 as an interest bearing CDBG loan to the Redevelopment Agency to be repaid as soon as practicable from tax increment or other appropriate revenues, from the respective project area.

NOTE: See the Redevelopment Agency Agenda of June 14, 2005 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 7:23 p.m. – 7:26 p.m.)

MOTION BY YOUNG TO ADOPT. Second by Atkins. Passed by the following vote:
Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea,
Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 7:26 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 7:26 p.m.)